

1 MELINDA HAAG (CABN 132612)
United States Attorney
2 MIRANDA KANE (CABN 150630)
3 Chief, Criminal Division
4 KEVIN J. BARRY (CABN 229748)
Assistant United States Attorney
5 450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
6 Telephone: (415) 436-7200
Facsimile: (415) 436-7234
7 Email: kevin.barry@usdoj.gov

8 Attorneys for Plaintiff

9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13
14 UNITED STATES OF AMERICA,) No CR 12-mj-70872-MAG
15 Plaintiff,)
16 v.) STIPULATION AND [PROPOSED]
17 JORGE CHAVEZ,) ORDER CHANGING HEARING DATE
18 Defendant.) AND EXCLUDING TIME
19

20 The Court has set January 30, 2013, as the date for a preliminary hearing or arraignment.

21 The parties hereby stipulate to set the preliminary hearing or arraignment date on March
22 15, 2013, and they request that the Court extend the time limits provided by Federal Rule of
23 Criminal Procedure 5.1(c) and 18 U.S.C. § 3161. This extension of time is necessary for the
24 parties to explore possible pre-indictment resolution, for effective preparation of counsel, and for
25 continuity of counsel, as defense counsel is currently in a homicide trial.

26 Pursuant to Rule 5.1(d), the defendant and the government consent to the extension of
27 time, and the parties represent that good cause exists for this extension, including the effective
28 preparation of counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). For the same reasons, the parties

1 also request that the Court exclude from the time limits of 18 U.S.C. § 3161 the period from the
2 date of this Order through March 15, 2013. The parties also agree that the ends of justice served
3 by granting such an exclusion of time outweigh the best interests of the public and the defendant
4 in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

5

6 SO STIPULATED:

7

MELINDA HAAG
United States Attorney

8

DATED: January 29, 2013

9

/s/
KEVIN J. BARRY
Assistant United States Attorney

10

DATED: January 28, 2013

11

/s/
PETER A. FITZPATRICK
Attorney for JORGE CHAVEZ

12

[PROPOSED] ORDER

13

For the reasons stated above, the Court sets March 15, 2013, as the date for the
15 arraignment or preliminary hearing. The Court finds that extension of time limits applicable
16 under Federal Rule of Criminal Procedure 5.1(c) from the date of this Order through November
17 13, 2012, is warranted; that exclusion of this period from the time limits applicable under 18
18 U.S.C. § 3161 is warranted; that the ends of justice served by the continuance outweigh the
19 interests of the public and the defendant in the prompt disposition of this criminal case; and that
20 the failure to grant the requested exclusion of time would deny counsel for the defendant and for
21 the government the reasonable time necessary for effective preparation of counsel, taking into
22 account the exercise of due diligence, and would result in a miscarriage of justice. 18 U.S.C.
23 §3161(h)(7)(B)(iv).

24

25

IT IS SO ORDERED.

26

DATED: January 30, 2013

27


HON. LAUREL BEELER
United States Magistrate Judge

28